



PATENT
0042-0492P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Ichiro ATOBE et al. Conf.: UNKNOWN
Appl. No.: 10/767,057 Group: UNASSIGNED
Filed: January 30, 2004 Examiner: UNASSIGNED
For: CIGARETTE FILTER

L E T T E R

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 30, 2004


Sir:

Subsequent to the filing of the above-identified application on January 30, 2004, attached hereto is an English translation of the International Preliminary Examination Report (IPER 409) that should be made of record in the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
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0042-0492P

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Attachment(s)

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 02S0551P	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP02/07808	International filing date (day/month/year) 31 July 2002 (31.07.02)	Priority date (day/month/year) 02 August 2001 (02.08.01)
International Patent Classification (IPC) or national classification and IPC A24D 3/16, 3/04, 1/02		
Applicant JAPAN TOBACCO INC.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 20 September 2002 (20.09.02)	Date of completion of this report 14 January 2003 (14.01.2003)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP02/07808

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed

☐ the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the claims:

pages _____, as originally filed

pages _____, as amended (together with any statement under Article 19

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the drawings:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP02/07808

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

The subject matters of claims 1 and 7 do not appear to involve an inventive step in view of document 1 [JP, 11-235169, A (Daicel Chemical Industries, Ltd.), 31 August, 1999 (31.08.99), paragraphs [0018], [0031], etc.] and document 2 [JP, 61-68135, A (Japan Tobacco Inc.), 8 April, 1986 (08.04.86), page 3, upper left column, lines 16 and 17, page 4, upper right column, etc.] respectively cited in the ISR.

Document 1 describes a cigarette filter, in which the gaps between plural filter chips are packed with a mixture consisting of two or more porous materials such as active carbon and silica-alumina. Document 2 describes that a cigarette filter or holder is packed with a mixture consisting of active carbon and silica-alumina. A person skilled in the art could have easily conceived of a filter, in which plural filter media are individually wrapped with wrapping paper.

The subject matter of claim 2 does not appear to involve an inventive step in view of documents 1 and 2 and document 3 [JP, 4-267871, A (Cigarette Components Ltd.), 24 September, 1992 (24.09.92), Figs. 5, 6, 9 and 10, etc.] cited in the ISR.

Document 3 describes that an adsorbent is mixed in a strip of a cigarette filter, and a person skilled in the art could have easily employed an adsorbent as described in document 1 or 2 as the said adsorbent.

The subject matters of claims 3-6 do not appear to involve an inventive step in view of documents 1 and 2 and document 4 [JP, 2000-246095, A (Mazda Motor Corp.), 12 September, 2000 (12.09.00), Figs. 5-7, etc.] cited in the ISR.

Document 1 describes that the gaps between plural filter chips of a triple filter are packed with an adsorbent, and document 4 describes various arrangements respectively consisting of adsorbents and plural filter media, as filters containing two adsorbents. Employing adsorbents as described in document 1 or 2 as the said adsorbents and adequately changing the arrangement consisting of adsorbents and filter media are mere matters of design variation that could have been easily employed by a person skilled in the art.